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MAY 10 2010  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| MAY - 7 2010                                                                            |                       |
| By _____                                                                                | Clerk<br>Deputy Clerk |

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                                |
|----------------|---|--------------------------------|
| In Re SRBA     | ) | AMENDED SPECIAL MASTER'S       |
|                | ) | REPORT AND RECOMMENDATION      |
| Case No. 39576 | ) | ON MOTION TO SET ASIDE PARTIAL |
|                | ) | DECREE                         |
| _____          | ) | FOR WATER RIGHT: 34-368        |

I. FINDINGS OF FACT

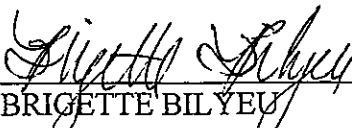
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

A *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree* was issued for this right on April 23, 2010. The Idaho Department of Water Resources notified the Court that the *Special Master's Report and Recommendation* contained a clerical error. This *Amended Special Master's Report and Recommendation* corrects that clerical error so the proposed *Partial Decree* under point of diversion and place of use accurately reflect the elements from the *Amended Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decree* be **granted**, and that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. The recommended elements are consistent with the *Amended Director's Report*.

DATED: May 7, 2010.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

MAY - 7 2010

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 34-00368

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: DENNIS K MOSS  
3286 N 3350 W  
MOORE, ID 83255

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WATER RESOURCES

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.60 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION: T05N R26E S04 SESE Within Butte County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 05-01 TO 10-15 | 1.60 CFS |

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED  
IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF  
4-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE  
DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

| PLACE OF USE: | Irrigation                        | Within Butte County |
|---------------|-----------------------------------|---------------------|
|               | T05N R26E S34 NENE 29.0 SENE 25.0 |                     |
|               | S35 NWNW 33.0 SWNW 25.0           |                     |
|               | 112.0 Acres Total                 |                     |

This right is limited to the irrigation of 80 acres within the  
place of use described above in a single irrigation season.  
The rights listed below are limited to the irrigation of a  
combined total of 112 acres in a single irrigation season.  
Combined right Nos.: 34-368, 34-369, and 34-370.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

MAY 07 2010

*Diggett Silbey*  
SPECIAL MASTER

Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

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WATER RESOURCES

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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| MAY - 7 2010                                                                            |                       |
| By _____                                                                                | Clerk<br>Deputy Clerk |

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

Case No. 39576 )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 34-00368

On May 07, 2010, Special Master BRIGETTE BILYEU  
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s).  
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party  
to the adjudication including parties to the subcase, may file a Motion  
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate  
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION  
shall constitute a waiver of the right to challenge it before the  
Presiding Judge.

DATED May 07, 2010.

  
JANET CONNELL  
Deputy Clerk

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WATER RESOURCES

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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| MAY - 7 2010                                                                            |
| By _____ Clerk<br>Deputy Clerk                                                          |

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s) : 34-00368

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 07, 2010, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

DENNIS K MOSS  
DENNIS MOSS  
3286 N 3350 W  
MOORE, ID 83255  
Phone: 208-554-4140

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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05/07/10